

In the Matter of:

COMPLAINANT

v.

**SPEARS WATER COMPANY**

DEFENDANT

CASE NO. 95-320

Spears Water Company ("Spears") is hereby notified that it has been named as defendant in a formal complaint filed on July 21, 1995, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, Spears is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 26th day of July, 1995.

PUBLIC SERVICE COMMISSION

**Chairman**

Vice Chairman

**ATTEST:**

Don Mills  
Executive Director

Linda K Breahtutt  
Commissioner

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

95-320

In the Matter of:

Richard du Valle Vale and Dorothy Jean Vale  
COMPLAINANT

VS.

Spears Water Company, Inc.

DEFENDANT

RECEIVED

JUL 21 1995

PUBLIC SERV.  
COMMISSION

C O M P L A I N T

The complaint of Richard du Valle Vale and Dorothy Jean Vale respectfully shows:

(a) Richard du Valle Vale and Dorothy Jean Vale  
2814 Union Mill Road  
Nicholasville, Kentucky 40356

(b) Spears Water Company, Inc.  
104 West Maple Street  
Nicholasville, Kentucky 40356

(c) That: Complainant has received a water bill dated June 27, 1995 from Defendant for \$ 1,133.58 for 332,000 gallons recorded on water meter. The complainant had attempted to check meter for 3 weeks prior to discovery of water problem, but was unable to read meter as it was under several inches of muddy water. When problem was discovered complainant was unable to close valve as water meter box had been pushed over valve stem preventing complainant from closing valve. Complainant had to dig around water meter box to remove it to close valve and dig a ditch approx. 2 ft X 2 ft X 6 ft to drain water from water meter box and then bail for several days to get water level to stay below water meter lens.

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Complainant suspects that the water meter has not been read but has been estimated for the last couple months; as the source of the leak is a small hair-line crack located at the bottom of hill before a 90 foot climb to the house. In addition complainant had NO LOSS OF WATER PRESSURE.

There are several additional facts that we believe have contributed toward this problem:

1. Complainant has phoned defendant's office many times yearly over the years, complaining that the water meter was under water, suspicious of possible leaks, with no action taken by the defendant.

2. Complainant finds cover of water meter box off several time each winter in subfreezing weather; with no action taken by defendant on phone complaints made by complainant. One time this happened the meter froze, breaking bottom out of meter resulting in a water bill of over \$800.00. Defendant told complainant at an earlier date that the defendant's responsibility included the water meter. However, Bill Arvin, attorney coerce complainant in his office until complianant

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agreed to pay portion of bill against complainant; as wife was petrified that defendant would withhold service from complainant.

3. Water meter was placed in fence line and has been hit by state road mowers several times braking water pipe at complainant's expense.

4. Water meter is within a few feet of a creek and at times is covered by creeks water.

5. There is no place to stop along road within several 100 feet of water meter. From house one has to walk (1/3 mile) down a 90 foot high hill, climb 2 electric fences and cross a year around flowing creek which at times is hazardous to cross.

6. When water meter was first installed complainant complained to installer about how it was installed. The installer told complainant, "that he should not complain as no road crossing permit was obtained from state and he installed water lines under road the simplest way he could". Complainant paid to have water pipe and water meter installed

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professionally and legally and questions the validity of installers statements and purpose of installers statement. When complainant went to defendant's office to inquire about these matters complainant was informed that Mrs. Underwood, whom complainant contracted with for water serve, was no longer with Spears: as she had embezzled Spears money and disappeared.

7. On June 16, 1995 Martin Lowery offered Richard Vale to move water meter. Why this offer at this time after all these years of problems.

8. Complainant has received by mail from defendant a written document giving defendant free access to complaints land and permission to do to complaint's property whatever defendant chooses, irrespective of complainant wishes. The inference is that complainant has to sign this document.

9. Per the advise of the Public Service Commission on July 10, 1995 a partial payment of \$50.00 (more than complainant's normal water bill) and a letter stating Richard and Dorothy Vale were filling a complaint was delivered to Spears Water Co. On July 11, 1995 Martin H. Lowry phoned at 8:00am. Mrs.

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Vale was home alone, Martin Lowry asked why we (Vale's) were filling a complaint and not paying the bill. Mrs. Vale told Martin Lowry he needs to talk to Mr. Vale and he was not home at present time, he was rude and wanted a phone number on Mr. Vale during working hours and was told he did not have a phone during working hours.

10. If defendant's responsibility includes the water meter and water meter box. Complainant asserts that these two items should be maintained in a condition so that complainant can read water meter and the valve should be accessible to shut off. Otherwise, as in complainant's situation, complainant's hands are tied behind our back's; while being held responsible for something complainant can do nothing about, as complainant is consciously doing all he is equipped to do to prevent or solve pending problem's before they become catastrophic.

11. On July 19, 1995 complainant found Delinquent Notice on front door, dated July 19, 1995. This notice stated service would be disconnected if payment was not received before the 18th of the month. Service was disconnected on July 20, 1995.

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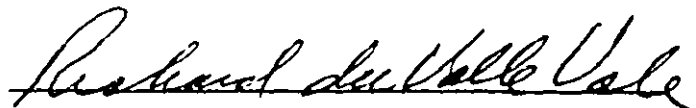
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12. Complainant has livestock whose only source of water is supplied by defendant. All water will be gone by July 21, 1995. Under current weather conditions livestock can die without water.

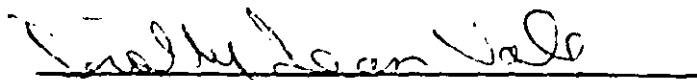
Wherefore, complainant asks:

1. Water service be restored.
2. Removal of late fee's, reconnect fee's or what ever fee's Spears Water Company, Inc. has or will attach to basic bill.
3. Adjustment of June 27, 1995 water bill to normal monthly usage.
4. Defendant provide water meter and shut off valve access in a condition so that complaint can determine daily if there is a problem and take immediate and appropriate action.

Dated at Nicholasville, Kentucky, this 21st day of July, 1995.



Richard du Valle Vale



Dorothy Jean Vale

Public Service Commission

To Whom It May Concern:

When this catastrophe first happened; we had no knowledge on how to resolved this problem; accept that Spars Water is unreasonable and has no concern for its customers rights as we have found from past experiences. We called Meter Standards Laboratory in desperation and was refereed to 1-800-772-4636. I spoke with Jenny Smith on June 14, 1995. I explained to Jenny Smith that I was ignorant on how to defend myself and family and that Spears Water would take every advantage of this ignorance. I requested assistance for a just resolution to this problem. I followed Jenny Smith's instructions to the best of my knowledge. At this time, June 15, 1995 I requested the forms for filing a formal complaint. After waiting patiently until July 3, 1995, I phoned again and spoke with Bob Johnston (as Jenny Smith was not in). I again requested that the forms for filing a formal complaint be sent to me as soon as possible as payment for water bill was due on or before July 10, 1995. Bob Johnson mailed a copy of the forms on July 3, 1995 and was received July 7, 1995(Friday). I was not informed by anyone that this complaint must be made and filed before July 10, 1995 (Monday) until today, July 20, 1995.

In addition I was told that Spears Water Co. could not turn off our water and that Spears Water Co. could not charge me late or other fees'. However, no one told me (until today, July 20, 1995) that the complaint had to be filed by July 10, 1995.

I have come to you for justice and the information I need to protect my family from injustice. Our water is turned off and we are billed for late fee's. How can I be held responsible for doing what I'm told to do and not doing what no one has informed me of until it is too late.



19-1180

7-19

1925

Richard Dale

40158944

2814 Union Hill Rd

Bills are due upon receipt and become delinquent at the 10th of the month and a 10% penalty will be charged. Service will be disconnected if payment has not been received before the 18th of the month.

YOUR PAST DUE BILL IS 1191.94

COLLECTION FEE IS \$10.00 \_\_\_\_\_

RECONNECT FEE IS \$20.00 \_\_\_\_\_

TOTAL DUE \_\_\_\_\_

**SPEARS WATER COMPANY  
NICHOLASVILLE, KY 40356**

**104 W. MAPLE STREET  
PHONE: (606) 885-5958**